

Claims 1-12 are presently pending in this application. Claims 1-5 stand rejected and claims 6-12 have been withdrawn from consideration. By this Amendment, claims 6-12 have been canceled. A clean copy of the claims after amendment can be found in the attached Appendix.

More specifically, claim 6-12 have been canceled and will be prosecuted in a continuation patent application. Thus, no new matter has been added by these amendments.

Claim Rejections - 35 USC 102

On page 2, in numbered paragraph 2, of the Official Action, the Examiner rejects claims 1-5 under 35 USC 102(a) as being anticipated by Polair Packaging, Invoice 516950, dated December 16, 1999, cited by the applicant. In this rejection, the Examiner states:

It appears from the Invoice that a bubble/fill/bubble laminate wherein the foil is the intermediate layer is disclosed. Any further information from the applicant may aid in overcoming this rejection.

This rejection is respectfully traversed. For a prior art reference to anticipate, each and every element of the claimed invention must be identically shown in a single reference. Claim 1 of the present application requires,

among other things, a first bubble pack having a first thermoplastic film and a second thermoplastic film and a second bubble pack having a third thermoplastic film and a fourth thermoplastic film.

It is respectfully submitted that the Polair Packaging, Invoice 516950, dated December 16, 1999, discloses bubbles but fails to disclose any thermoplastic film. Therefore, the Polair Packaging Invoice does not disclose each and every element of claim 1 of the present application.

On pages 2-3, in numbered paragraph 3, of the Official Action, the Examiner rejects claims 1-5 under 35 USC 102(b) based upon a public use or sale of the invention. In this rejection, the Examiner states:

The Invoice Gummed Papers Limited, 5722 dated November 8, 1996 appears to also show a sale of bubble/foil/bubble packaging material. Any further information as to this product may aid in overcoming this rejection.

This rejection is respectfully traversed. Claim 1 of the present application requires, among other things, a first bubble pack and a second bubble pack.

It is respectfully submitted that the Gummed Papers Limited, Invoice 5722, dated November 8, 1996, discloses a

polylamine but fails to disclose any bubble pack.

Therefore, the Gummed Papers Limited Invoice does not disclose each and every element of claim 1 of the present application.

Furthermore, case law provides that a reference itself must have an enabling disclosure to be used as a proper reference. Section 102(b) of 35 U.S.C. and its predecessor statutes have been interpreted as requiring the description of the invention in a publication to be sufficient to put the public in possession of the invention. *Ex parte Gould*, 231 U.S.P.Q. 943 (B.P.A.I. 1986).

It is respectfully submitted that neither the Polair Packaging Invoice nor the Gummed Papers Limited Invoice is sufficient to put the public in possession of the present invention. Neither invoice enables one skilled in the art to make and use the composite bubble-pack assembly of the present application.

On page 3, in numbered paragraph 3, of the Official Action, the Examiner rejects claims 1-5 under 35 USC 102(b) as being anticipated by U.S. Patent 4,535,828 (Brockhaus). In this rejection, the Examiner states:

Brockhans teaches a bubble/foil/bubble laminate with a foil layer being intermediate the outer bubble layers. Refer to Fig. No. 2c along with column 2, lines 56-61.

This rejection is respectfully traversed. Claim 1 of the present application requires, among other things, a first bubble pack having a first thermoplastic film and a second thermoplastic film and a second bubble pack having a third thermoplastic film and a fourth thermoplastic film.

It is respectfully submitted that U.S. Patent 4,535,828 (Brockhaus) discloses only bubbles consisting of one and possibly two materials (see column 5, lines 35-38). Therefore, U.S. Patent 4,535,828 (Brockhaus) does not disclose each and every element of claim 1 of the present application.

In view of the above-given explanations, it is respectfully submitted that claim 1 is not anticipated by any of the cited references. Claims 2-5 depend directly from claim 1. Therefore, it is respectfully requested that these rejections be withdrawn and that claims 1-5 be allowed.

All rejections having been addressed, it is respectfully submitted that the present application is in

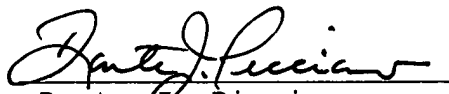
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condition for allowance and a Notice to that effect is earnestly solicited.

Should any matters remain in this application which might be resolved by interview, the Examiner is respectfully requested to telephone the undersigned at 570-386-5744.

Respectfully submitted,

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